



COUNTY OF PLACER
Community Development/ Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: July 22, 2010

ITEM NO.: 8

TIME: 1:15 pm

TO: Placer County Planning Commission

FROM: Development Review Company

DATE: July 22, 2010

SUBJECT: Workshop for Zoning Text Amendment (20100216) to various sections of Chapter 17 (Placer County Zoning Ordinance) and to the definition of structure.

STAFF: George Rosasco, Supervising Planner

LOCATION: Countywide

APPLICANT: Placer County Planning Department

PROPOSAL:

The Placer County is requesting that the Planning Commission conduct a workshop regarding the proposed amendments to various sections of the Zoning Ordinance. The proposed amendments affect more than 80 pages of the Zoning Ordinance, however the majority of those changes are modifications to ensure consistency throughout the document in light of the proposed changes. These changes will be discussed further in this staff report.

BACKGROUND: The Placer County Planning Department is proposing amendments to the Zoning Ordinance that will address the multitude of issues that have, over the years, consistently required a Planning Director's interpretation or special entitlements from the Planning Department. In order to address these issues, which stem largely from the more suburban and urban development that has become increasingly common in Placer County, staff is requesting modifications to numerous sections of the Zoning Ordinance.

DISCUSSION OF ISSUES:

1. The major changes proposed by this Zoning Text Amendment relate to the definition of "structure", how setbacks are defined and applied, and include the addition of new setback types. These changes are discussed in more detail below:

Eliminate the “temporary structure” definition and redefine the meaning of “structure” in the Zoning Ordinance as follows:

“Structure” means any man-made artifact that is lawfully constructed or erected or built into a building, framework or other object which is over one hundred twenty (120) square feet in area measured at the foundation, and over 12 feet in height, or any “structure” that requires a Building Permit, NOT including fences six feet or less in height, retaining walls four feet or less in height, freestanding arbor or trellis, concrete flat work, children’s playground equipment, trash enclosures, bear bins, patios, planters, or similar structures less than 30 inches in height and decks less than 30 inches from adjacent grade. Measurement shall be from natural or pad grade.

Currently there are multiple interpretations that define what constitutes a temporary structure versus a permanent structure, and how the appropriate setbacks should be applied to each. Revising the definition of “structure” and eliminating the “temporary structure” definition will give county Staff the ability to clearly determine which structures are subject to setbacks and which are not.

Redefine the meaning of “property line setbacks” in the Zoning Ordinance as follows:

Re-defining property lines and their setbacks and establishing a definition for a “street side” property line and setback will result in parcels no longer having multiple front property lines, which will eliminate the current practice of requiring all property lines that abut a recorded access easement to be considered a front property line with a more restrictive front setback. In most instances, this is in excess of what is a necessary setback to preserve light, air, and open space. Under the new definition of property lines the setbacks required will be those necessary to preserve light, air and open space without being excessive.

“Setback, Front” means an area formed by a line parallel to a front property line where the main access to the primary structure enters from a public road or private road. The front setback is measured at right angles to the front property line or edge of easement, whichever is greater. Parcels shall have no more than one (1) front property line.

“Setback, Interior” means an area of separation between two buildings or structures on a single parcel. Interior setbacks are established by Section 17.54.160.

“Setback Line” means the line formed by the measurement of the front, street-side, side, or rear setbacks required by this chapter. All setback lines together encompass the buildable area of a lot.

“Setback, Rear” means an area formed by a line parallel to the rear property line. The rear property line is opposite the front property line of the parcel. In the case of a corner lot, there is front, a street-side, a side, and a rear property line (see Figure 17.04.030-6). Rear setbacks are measured at right angles to the rear property line.

“Setback, Side” means an area formed by a line parallel to the side property line of a lot (property lines that are neither front, street-side or rear property lines), that extends between front and rear setback areas (except on corner lots where a street-side setback applies). Side setbacks are measured at right angles to the side property line. (The side setback shall apply the lesser measurement when a street-side setback applies).

“Setback, Street-side” means an area formed by a line parallel to the side property line of a lot that abuts an adjacent public road or private road serving more than two parcels, and that extends between the front and rear setback areas. The street-side setback is measured at right angles to the property line or edge of easement, whichever is greater.

In conjunction with the new definitions of property lines Staff is proposing that a driveway be defined as an access easement that serves three or fewer parcels. A property line that abuts a driveway would be considered a side. A public or private access easement that serves four or more parcels would be considered road. A property line that abuts a road will be considered a front property line, or a street side property line. This will stop the current practice of requiring every property line that abuts an access easement that serves a single parcel to be considered a front property line with a front setback. This current practice results in numerous variance requests due to excessive front setback requirements imposed on multiple-fronted parcels. It is not uncommon for parcels to have multiple front property lines with front setbacks applied to them.

Most of the proposed changes to the Zoning Ordinance are a result of making it consistent with the changes to the definition of structure and the redefining property lines and access easements as discussed above.

2. Changes not directly related to items listed above have also been made to several sections of the Zoning Ordinance in order to clarify the intent and requirements of these sections. These changes are discussed in detail below.

- Section 17.52.060 “Density Limitation” has been revised to reflect the current interpretations in place to clarify the intent and requirements of this section.
- Section 17.54.040 “Minimum Parcel Standards” has been revised so that the minimum size of all parcels will be calculated on its gross acreage making it consistent with the current practice of only parcel of five acres or larger being calculated based on gross acreage while all others are calculated on net acreage. Additionally, this section has been revised to reflect the current interpretations in place to implement the intent of this section
- Section 17.54.130 (B) “Resolution of Conflicts” was updated to include “The Highway Deficiency Manual” setbacks. This was to done to implement current practices of implementing setbacks from public roadways per this manual.

- Due to the growing popularity of ground mounted residential solar generating systems section 17.54.140 (5) has been added to address setbacks required for such systems.
 - Section 17.54.140 (7) was added to clarify where a street side setbacks will apply in Tahoe area.
 - Section 17.54.140 (8) "Zero Lot Line Development" has been revised to reflect the current interpretations in place to clarify the intent and requirements of this section.
 - Section 17.54.150 "Projections into required setbacks-Building features and equipment" has been revised to reflect the current interpretations in place to clarify the intent and requirements of this section.
 - Section 17.54.160 "Interior Setbacks" has been revised to reflect the current interpretations in place to clarify the intent and requirements of this section.
 - Section 17.56.060 dealing with Antennas and Communications facilities has revised to reflect the current interpretations in place to clarify the intent and requirements of this section.
3. Additionally, this Zoning Text Amendment contains minor changes to additional sections to further clarify the intent of these sections. For example, the informational notes in the majority of the specific zone district sections have been reorganized and revised to provide a consistent format throughout the Zoning Ordinance. These revisions do not change the intent or the requirements of these sections, rather they seek to provide additional information and/or clarity. ,

RECCOMENDATION:

Staff recommends that the Planning Commission conduct a workshop and provide direction on the issues discussed within the Staff report.

Cordially,

George Rosasco
Supervising Planner

ATTACHMENTS:

Attachment A: Proposed Zoning Text Amendments (w/mark-up)

cc: Michael Johnson-Community Resource Development Director
Paul Thompson- Deputy Planning Director
Loren Clark - Deputy Planning Director
Scott Finley - County Counsel's Office
Karin Schwab - County Counsel's Office
Wes Zicker, Engineering and Surveying Director
Jill Pahl - Environmental Health Services
Bob Eicholtz - Emergency Services
Sherriff's Department
Air Pollution Control District
Redevelopment Agency